IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

-

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 19836 of 1994

-

Between:

Pallela Ganga Bhavani, W/o. Krishna Rao,(Late),
R/o. Narsapur(V), Payakaraopet(M),
Visakhapatnam Dist.

..... PETITIONER

AND

-

1 The Revenue Divisional Officer, Narsipatnam,
Visakhapatnam Dist.
2 The Mandal Revenue Officer, Payakaraopet(M),

Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus of any other appropriate writ or order or direction, directing the respondents to give opportunity to the petitioner for surrender of lands of 0.6839 Standard Holding as per her choice by declaring the order passed by the 1st respondent in LCC No.1215/ &1372/75 NPM, dt.25.8.1994 as illegal and void.

Counsel for the Petitioner: MR.T.BALI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following ORDER:

Heard both sides.

The only question involved in this writ petition is as to whether the petitioner should be given an opportunity in the application filed by her at the stage of surrender of surplus lands, as determined by the authorities. The case of the petitioner is that even though she has been declared as surplus landholder and though she proposed the land and which is accepted by the authorities, and since the said lands are under litigation the Tribunal refused to accept the same and initiated proceedings for fresh selection. At that time the petitioner filed an application proposing certain lands and the said application is still pending.

Having heard the learned counsel for the petitioner and also on perusal of material on record, it is evident that the petitioner's land at the first instance having been accepted the same is sought to be rejected on the ground of pending litigation. Hence, there is no justification for the respondents to deny opportunity to the petitioner to propose fresh lands. Admittedly the petitioner has filed application in this regard and the same has necessarily required to be enquired into and appropriate orders have to be passed after giving notice and opportunity to the petitioner.

The Writ Petition is accordingly allowed directing the first respondent to hold an enquiry in pursuance of the application filed by the petitioner and pass

appropriate orders after giving notice and opportunity to the petitioner. No costs.

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B. Prakash Rao, J.

8th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Revenue Divisional Officer, Narsipatnam,
Visakhapatnam Dist.
2 The Mandal Revenue Officer, Payakaraopet(M),

Visakhapatnam Dist.

3 Two CCs to G.P. for Revenue, High Court Buildings, High

Court of A.P., Hyderabad.(OUT)

4 2 CD copies.